

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff-Appellee,

v.

ROBERT BYRON LEE,  
Defendant-Appellant.

D.C. Case No. CR03-5139 RBL  
Appeals No. 04-30185

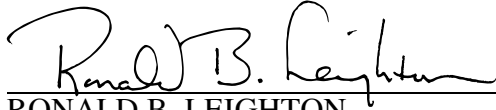
ORDER DENYING  
RE-SENTENCING

This case comes before the Court for consideration of re-sentencing pursuant to the remand of the Ninth Circuit Court of Appeals and *United States v. Ameline*, 409 F.3d 1073 (9<sup>th</sup> Cir. 2005). The Court has reviewed the Defense Memorandum re: Sentence Remand [Dkt. #85] and the transcript of the original sentencing as well as the Memorandum Opinion of the Circuit Court in *US v. Lee*, 04-30185 (2005) and the opinion in *United States v. Ameline*. In the original sentencing of Robert Byron Lee the Court noted the extreme danger to the community posed by Mr. Lee. For that reason, the Court gave the defendant a high-end sentence of 96 months. This Court would not have sentenced the defendant differently had it known that the Sentencing Guidelines were advisory only. The sentence was reasonable under the factors outlined at 18 U.S.C. § 3553(a). The Court declines to impose any different sentence for Robert Byron Lee.

**IT IS SO ORDERED.**

1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record  
2 and to any party appearing pro se at said party's last known address.

3 Dated this 12<sup>th</sup> day of December, 2005.

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6 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
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